

McGLINCHEY STAFFORD

A PROFESSIONAL LIMITED LIABILITY COMPANY

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(3) MEMBER OF LOUISIANA AND DISTRICT OF COLUMBIA BARS
(4) MEMBER OF LOUISIANA AND TEXAS BARS
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April 23, 1999 **MUR 4892**

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Federal Election Commission
999 E. Street, N.W.
Washington, D.C. 20463

Gentlemen:

On behalf of Rob Couhig and David Vitter, we are writing to request the Federal Election Commission to investigate an apparent illegal coordinated expenditure by the Americans for Term Limits Committee (the "ATL Committee") and candidate Monica Monica in the special U.S. House election presently set for May 1, 1999 to fill the vacant seat in Louisiana's First Congressional District.

The ATL Committee holds itself out to be an independent committee not engaged in the express advocacy of any candidate. Nonetheless, it has run a commercial on television which can be interpreted in no other way than to advocate expressly the election of Monica Monica. In the commercial, the ATL Committee utilizes film or videotaped footage containing pictures of and referring to candidate Monica by name in connection with her stand of term limits. This same videotaped or film footage also appears in Monica's own television advertising and apparently was supplied illegally by Monica's committee to the ATL Committee in coordination with the ATL Committee.

RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL
APR 30 3 12 PM '99

Federal Election Commission

April 23, 1999

Page 2

Section 100.16 of 11 Code of Federal Regulations provides:

"The term independent expenditure means an expenditure for a communication by a person expressly advocating the election or defeat of a clearly identified candidate which is made without cooperation or consultation with any candidate, or any authorized committee or agent of such candidate, and which is not made in concert with, or at the request or suggestion of, any candidate, or any authorized committee or agent of such candidate." (Emphasis added.)

Section 100.22 of 11 Code of Federal Regulations provides, in pertinent part:

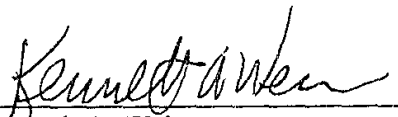
"Expressly advocating means any communication that ...[w]hen taken as a whole and with limited reference to external events, such as the proximity of the election, could only be interpreted by a reasonable person as containing advocacy of the election or defeat of one or more clearly identified candidate(s) because -- (1) The electoral portion of the communication is unmistakable, unambiguous, and suggestive of only one meaning; and (2) Reasonable minds could not differ as to whether it encourages actions to elect or defeat one or more clearly identified candidate(s) or encourages some other kind of action."

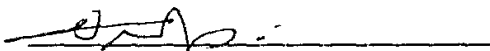
Based on the foregoing, we believe the communication of the ATL Committee fails to meet the definition of an independent expenditure for purposes of the Federal Election Campaign Act. Therefore, on behalf of Messrs. Couhig and Vitter, we request that you investigate the circumstances of this apparently illegal activity and take appropriate action, including denying the ATL Committee status as an independent expenditure committee not subject to disclosure of its contributors.

Very truly yours,

Subscribed and sworn to before me
this 23 day of April, 1999.

McGLINCHEY, STAFFORD,
A Professional Limited Liability Company

By: 
Kenneth A. Weiss


Notary Public
My commission expires AT MY DEATH

KAW/jk
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